



Press and Information

Court of Justice of the European Union

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Judgment in Case C-559/16

Birgit Bossen, Anja Bossen and Gudula Gräßmann v Brussels Airlines  
SA/NV

## **The compensation payable to passengers in the event of cancellation or long delay of a connecting flight must be calculated according to the radial distance between the departure and arrival airports**

*The fact that the distance actually covered by such a flight is, as a result of the connection, greater than the distance between the departure and arrival airports has no impact on the calculation of compensation*

Birgit Bossen, Anja Bossen and Gudula Gräßmann travelled from Rome to Hamburg via Brussels on a flight operated by Brussels Airlines. As their flight arrived in Hamburg with a delay of 3 hours and 50 minutes after the originally planned arrival time, they brought an action before the Amtsgericht Hamburg (Hamburg Local Court, Germany) claiming compensation on the basis of the EU regulation on compensation for airline passengers<sup>1</sup>.

That regulation, as interpreted by the Court of Justice, provides, inter alia, that in the event of a delay of three hours or more, passengers shall be entitled to compensation of €250 for flights of 1 500 kilometres or less and €400 for flights of more than 1 500 kilometres between two Member States.

In that context, the German court asks the Court if, in the case of a connecting flight, the total distance of the flight corresponds to the distance between the departure airport and the arrival airport (that is, in this case, 1 326 km between Rome and Hamburg), or whether it must be calculated according to the distance actually covered (in this case, 1 656 km, namely 1 173 km between Rome and Brussels and 483 km between Brussels and Hamburg). The amount of compensation payable to the passengers concerned depends on the answer to that question.

By its judgment delivered today, the Court notes, first, that with regard to the right to compensation, the regulation **makes no distinction as to whether the passengers concerned reach their final destination by means of a direct flight or an air journey with connecting flights**. The Court concludes that in both cases the passengers must be treated equally when calculating the amount of compensation.

In that context, the Court observes that the different scales of compensation provided for in the regulation reflect the differences in the extent of the inconvenience suffered by the passengers from not having the opportunity to reorganise their travel arrangements freely and thereby avoid the loss of time resulting from the cancellation or long delay of their flight.

In that regard, the Court considers that **the nature of the flight (direct flight or connecting flight) has no impact on the extent of the inconvenience suffered by the passengers**. Consequently, when determining the amount of compensation in the case of a connecting flight, **only the radial distance ('great circle' distance) that a direct flight would cover between the departure airport and the arrival airport should be taken into consideration**. The fact that the

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<sup>1</sup> Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

distance actually covered is, as a result of the connection, greater than the distance between the departure and arrival airports has no impact on the calculation of the compensation.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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